

AN ACT

relating to workers' compensation and other remedies available to an injured temporary employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 93, Labor Code, is amended by adding Section 93.004 to read as follows:

Sec. 93.004. WORKERS' COMPENSATION INSURANCE COVERAGE. (a)

A certificate of insurance coverage showing that a temporary employment service maintains a policy of workers' compensation insurance constitutes proof of workers' compensation insurance coverage for the temporary employment service and the client of the temporary employment service with respect to all employees of the temporary employment service assigned to the client. The state or a political subdivision of the state shall accept a certificate of insurance coverage described by this section as proof of workers' compensation coverage under Chapter 406.

(b) For workers' compensation insurance purposes, if a temporary employment service elects to obtain workers' compensation insurance, the client of the temporary employment service and the temporary employment service are subject to Sections 406.034 and 408.001.

(c) Except as provided by Subsection (d), an employee's election under Section 406.034(b) made with respect to the temporary employment service applies to any client of the temporary

1 employment service, and the employee may not make a separate
2 election under that section with respect to the client.

3 (d) If an employee elects to retain a common-law right of
4 action under Section 406.034(b) with respect to the temporary
5 employment service, that election does not apply to a client of that
6 temporary employment service if the client is not subject to
7 Section 406.034.

8 SECTION 2. The change in law made by this Act applies only
9 to a claim based on a work-related injury that occurs on or after
10 the effective date of this Act. A claim based on a work-related
11 injury that occurs before the effective date of this Act is governed
12 by the law in effect on the date the injury occurred, and the former
13 law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 1762 was passed by the House on April 30, 2013, by the following vote: Yeas 140, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1762 on May 16, 2013, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1762 was passed by the Senate, with amendments, on May 15, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor